

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 26, 2005

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Vogel (Miriam A.), J., Mallano, J., Rothschild, J., Suzukawa, J. (Assigned) and S. Beaux, Deputy Clerk.

Each of the following:

B167488 People v. Powell
B170411 People v. Borja
B171273 People v. Aredondo
B172701 People v. Bryan S.
B173138 People v. Martinez
B173345 People v. Dorsey
B174890 People v. Trujillo
B175083 People v. Brangman
B175478 People v. Wright
B175586 People v. Stephenson
B175898 People v. Patterson
B177158 DCFS v. Axel B.
B177175 DCFS v. Christine G.
B180770 Deamuirr G. v. SCLA (DCFS, rpi)

Argument waived, cause submitted.

B174768 People
v.
Ronald A. M.

Merits:

Argued by Gerald P. Peters for appellant and by Lisa J. Brault, Deputy Attorney General, for respondent. Cause submitted.

DIVISION ONE (Continued)

B174600 People
 v.
 Caldero

Merits:

Argued by Carol S. Boyk for appellant. Respondent previously waived oral argument. Cause submitted.

Mallano, J., leaves the bench.

B176362 People
 v.
 Brisco

Merits:

Argued by James M. Crawford for appellant and by Marc E. Turchin, Deputy Attorney General, for respondent. Cause submitted.

Mallano, J., returns to the bench.

B173539 Jones
 v.
 DeCastro et al.

Merits:

Argued by Edward M. Cohan for respondents. Appellant previously waived oral argument. Cause submitted.

Vogel, J., leaves the bench.

B175902 People
 v.
 Jarrell

Merits:

Argued by Steven G. Levine for appellant and by Roberta Davis, Deputy Attorney General, for respondent. Cause submitted.

April 26, 2005 (Continued)

DIVISION ONE (Continued)

Rothschild, J., leaves the bench.

B172357 People
 v.
 Rosales

Merits:

Argued by Robert M. Ball for appellant. Respondent previously waived oral argument. Cause submitted.

B171115 Mottahedeh et al.
 v.
 Franchise Tax Board

Merits:

Argued by Derek L. Tabone for appellants and by Stephen Lew for respondent. Cause submitted.

Vogel, J., returns to the bench.

Mallano, J., leaves the bench.

B178421 Gray
 v.
 Los Angeles Unified School District et al.

Merits:

Argued by Fleming Gray, appellant in propria persona and by Rupert A. Byrdsong for respondents. Cause submitted.

Court adjourned.

DIVISION ONE (Continued)

B173539 Ronald Jones (Not for Publication)
 v.
 Cipriando DeCastro et al.

The judgment is affirmed. The DeCastros are awarded their costs of appeal, including attorney's fees in an amount to be determined by the trial court on noticed motion.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Mallano, J.

B175478 People (Not for Publication)
 v.
 Reginald Wright

The judgment is modified by striking all fines except those imposed for count 2 and, as modified, affirmed and remanded to the trial court with directions to issue a corrected abstract of judgment and forward it to the Department of Corrections.

Vogel (Miriam A.), J.

We concur: Mallano, J., Acting P.J.
 Rothschild, J.

B175083 People (Not for Publication)
 v.
 David C. Brangman

The judgment is affirmed.

Vogel (Miriam A.)

We concur: Mallano, J., Acting P.J.
 Suzukawa, J. (Assigned)

April 26, 2005 (Continued)

DIVISION ONE (Continued)

B174890 People (Not for Publication)
v.
John L. Trujillo

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Rothschild, J.

B176362 People (Not for Publication)
v.
Brisco

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Suzukawa, J. (Assigned)

DIVISION TWO

B175225 People (Certified for Publication)
v.
Pinedo

The order under review is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Nott, J. (Assigned)

DIVISION TWO (Continued)

B172680 Collins (Not for Publication)

v.

Los Angeles County Office of Education

The judgment appealed from is affirmed. Respondent shall recover its costs on appeal from appellant.

Nott, J. (Assigned)

We concur: Boren, P.J.
Doi Todd, J.

B169365 Valu Gas Inc. et al. (Not for Publication)

v.

Equilon Enterprises et al.

The order granting a new trial is affirmed, and respondent's cross appeal is dismissed as moot. Respondents are entitled to costs on appeal.

Boren, P.J.

We concur: Doi Todd, J.
Ashmann-Gerst, J.

B174023 Markowitz (Not for Publication)

v.

Herbert

The judgment (order to strike the complaint) is affirmed. Respondent is awarded costs on appeal.

Nott, J. (Assigned)

We concur: Boren, P.J.
Ashmann-Gerst, J.

April 26, 2005 (Continued)

DIVISION TWO (Continued)

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The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
Nott, J. (Assigned)

B177344 Los Angeles County, D.C.S. (Not for Publication)
v.
Octavio M., et al.

The juvenile court's order terminating parental rights is affirmed.

Nott, J. (Assigned)

We concur: Boren, P.J.
Ashmann-Gerst, J.

B171403 Carpenter (Not for Publication)
v.
Jack in the Box et al.

The judgment is affirmed. Respondent(s) to recover costs.

Nott, J. (Assigned)

We concur: Doi Todd, Acting P.J.
 Ashmann-Gerst, J.

B174652 People
v.
Bryant

Filed order denying petition for rehearing.

April 26, 2005 (Continued)

DIVISION TWO (Continued)

B173864 Evans et al. (Not for Publication)
 v.
 City of Beverly Hills

The judgment is affirmed. Respondent(s) to recover costs.

Nott, J. (Assigned)

We concur: Doi Todd, Acting P.J.
 Ashmann-Gerst, J.

B173099 People (Not for Publication)
 v.
 Millsap

The Court:

The order under review is affirmed.

Boren, P.J., Doi Todd, J., Nott, J. (Assigned)

B176401 Los Angeles County, D.C.S.
 v.
 Patricia R.

Filed order vacating submission order of January 20, 2005, in order to review additional authorities. Cause resubmitted.

B169512 Drum
 v.
 Progressive Insurance Company et al.

Filed order denying petition for rehearing.

April 26, 2005 (Continued)

DIVISION THREE

B170515 Scott (Not for Publication)
v.
City of Los Angeles

The judgment is affirmed. The trial court's orders denying plaintiff's motion for judgment notwithstanding the verdict and motion for new trial are also affirmed. Defendant is awarded costs on appeal.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION FOUR

B169577 Louthan (Not for Publication)
v.
Ekizian et al.

The order of default judgment is modified to reduce damages to \$25,000 plus \$411.70 costs, and the case is remanded to the superior court for proceedings consistent with this opinion. Appellants are to recover their costs on appeal.

Epstein, P.J.

We concur: Hastings, J.
Grimes, J. (Assigned)

B165868 Sabo (Not for Publication)
v.
Hennelly & Grossfeld

The judgment is affirmed. Respondent is to have its costs on appeal.

Epstein, P.J.

We concur: Hastings, J.
 White, J. (Assigned)

DIVISION FIVE

B179175 Los Angeles County, D.C.S. (Not for Publication)
v.
Caroline L.

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
Mosk, J.

DIVISION SIX

B174219 Shon (Not for Publication)
v.
Hauser

The judgment is affirmed. Appellant to bear costs on appeal.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B172235 Sy et al., (Not for Publication)
v.
Board of Trustees of the California State University et al.,

The judgment is affirmed. Costs on appeal are awarded to respondents.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

April 26, 2005 (Continued)

DIVISION SEVEN

B174139 Cobrae (Not for Publication)
v.
Cobrae

The judgment is reversed and remanded for issuance of a formal statement of decision pursuant to section 632. Each party is to bear his or her own costs on appeal.

Zelon, J.

We concur: Johnson, Acting P.J.
Woods, J.

B176989 Blomberg et al., (Not for Publication)
B176992 v.
 U.S. Bank, Trustee

The judgment is affirmed. Respondent(s) to recover costs.

Zelon, J.

We concur: Perluss, P.J.
Johnson, J.

B175290 People (Not for Publication)
v.
Jimenez

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Zelon, J.

DIVISION SEVEN (Continued)

B173605 Ghawi (Not for Publication)

v.
El-Hajjaoui et al.,

The judgment is affirmed. Respondent(s) to recover costs.

Johnson, J.

We concur: Perluss, P.J.
 Woods, J.

B174504 Magteec Investment Co., (Not for Publication)

v.
H.K. Supermarket, Inc.,

The judgment is affirmed. Respondent(s) to recover costs.

Johnson, Acting P.J.

We concur: Woods, J.
 Zelon, J.

B178614 Los Angeles County, D.C.S. (Not for Publication)

v.
Richele G.,

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
 Zelon, J.

April 26, 2005 (Continued)

DIVISION EIGHT

B167835 Williams,
 v.
 Zuckerman et al.,

Filed order denying petition for rehearing.